

### REMARKS

In reply to the above-identified Office Action dated September 15, 2005, Applicant amends the application and seeks reconsideration thereof. Applicant cancels claims 5, 9 and 12-18 without prejudice to filing one or more applications having claims with similar subject matter. Accordingly, claims 1-4, 6-8, and 10-11 are now pending. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments.

#### **Election**

The Patent Office asserts a restriction requirement and requests an election of claims 1-11 and claims 12-18. On August 30, 2005, the Patent Office contacted Applicant to provisionally determine which set of claims Applicant wishes to prosecute. Applicant elected the group consisting of claims 1-11 for prosecution in this application, and hereby confirms such election by this reply. Applicant has elected claims 1-11 in order to expedite prosecution of this application. This election is made without waiver, estoppel, or prejudice to the filing of one or more related applications directed to subject matter of the canceled claims.

#### **Claims Rejected Under 35 U.S.C. § 102**

##### Hickey Reference

The Patent Office rejects claims 1-4, 6-8 and 10-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,971,329 issued to Hickey ("*Hickey*"). Applicant respectfully traverses this rejection.

In making the rejection, the Patent Office characterizes *Hickey* as teaching each of the elements of claim 1. Specifically, the Patent Office states that Hickey discloses, at least one channel support member, at least one opening, and at least one retaining member near the

opining; wherein the retaining member comprises a clip member; the retaining member comprises an element having a residual pattern formed by cutting the opening; at least one aperture in the channel support member; at least one screw hole contained in the channel support member; wherein the channel support member comprises a "c" shaped configuration; wherein the openings are spaced apart equidistantly from one another, and the channel support member is comprised of at least a metal, and the retaining member is comprised of at least one of a spring metal.

In general, *Hickey* discloses a conduit support, configured to provide merely tangential support to the conduit by the perimeter of the conduit holes. Nowhere in *Hickey* is an additional conduit support taught or disclosed, such as the support lip that extends away from at least a portion of the perimeter of the opening in the channel support member [see Applicant's Figure 2A, element 50], as required by Applicant's amended claim 1.

Thus, Applicant submits *Hickey* fails to teach or disclose a conduit management system having at least "an opening within the channel support member for retaining at least one conduit, wherein a support lip extends away from at least a portion of a perimeter of the opening within the channel support member," as recited by independent claim 1. Therefore, *Hickey* fails to teach each of the elements of claim 1.

Claims 2-4, 6-8, and 10-11 directly depend from claim 1 and include all of the elements thereof. Therefore, Applicants assert that claims 2-4, 6-8 and 10-11 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features. Applicant respectfully requests withdrawal of the rejection to claims 2-4, 6-8, and 10-11.

**Claims Rejected Under 35 U.S.C. § 103****Hickey in view of Cloninger**

The Patent Office rejects claims 5 and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Hickey* in view U.S. Patent No. 5,615,850 issued to Cloninger ("*Cloninger*"). Applicant respectfully traverses this rejection.

Applicant, by the above amendments, cancels claim 9, thereby obviating the Patent Office's rejection to that claim.

With respect to claim 5, Applicant cancels claim 5 and has generally incorporated the limitation into claim 1. However, to address the Patent Office's obviousness rejection, Applicant responds accordingly. To establish a prima facie of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; there must be a reasonable expectation of success; and the references must teach or suggest all the claim limitations.

The Patent Office contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to have a channel support member of *Hickey* with a channel support member with a support lip extending as taught by *Cloninger*. Applicant asserts that *Cloninger* discloses a wire support bracket having holes therethrough to direct wires, but upon review of the entire reference, nowhere in the disclosure does *Cloninger* teach or suggest a support lip that extends away from at least a portion of a perimeter of the opening in the channel support member.

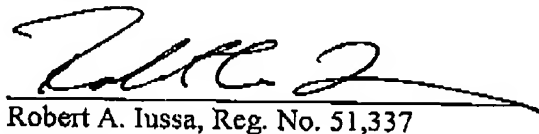
Thus, Applicant submits *Hickey* in view of *Cloninger* fails to teach or disclose a conduit management system having at least "an opening within the channel support member for retaining at least one conduit, wherein a support lip extends away from at least a portion of a perimeter of the opening within the channel support member," as recited by amended independent claim 1. Therefore, *Hickey* in view of *Cloninger* fails to teach or suggest each of the elements of amended claim 1.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 19-2814 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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